

DETERMINATION REPORT

REPORT TO THE NORTHERN JOINT REGIONAL PLANNING PANEL

ADDRESS/LOCALITY: DP 867281 lot 14, DP 867281 lot 15, DP 859167 lot 11, 110 Magellan Street LISMORE, 152 Keen Street LISMORE, 126 Magellan Street LISMORE

APPLICATION No: 5.2016.111.1

PROPOSAL: Re-development of the former Lismore High School C Block for the Lismore Regional Art Gallery. The development will include the Lismore Regional Art Gallery, comprising: several gallery spaces, office space for the Lismore Regional Gallery and Arts Northern Rivers; combined event, function and workshop spaces; combined meeting rooms; commercial space for a bookshop and café and the outdoor quadrangle being a community gathering space connecting C Block with the Northern Rivers Conservatorium and the Lismore Library. The development also includes on site car parking, a loading bay for the gallery, tree removal, landscaping and modification of the access to Northern Rivers Conservatorium parking.

PLANS REF:

| Plans numbered | Drawn by | Issue | Date |
|-----------------------|---------------------------------|--------------|-------------|
| CD 005 | Dominic Finlay Jones Architects | 01 | 15/4/16 |
| CD010 | Dominic Finlay Jones Architects | 02 | 04/7/16 |
| CD220 | Dominic Finlay Jones Architects | 01 | 15/4/16 |
| CD221 | Dominic Finlay Jones Architects | 01 | 15/4/16 |
| CD222 | Dominic Finlay Jones Architects | 01 | 15/4/16 |
| CD300 | Dominic Finlay Jones Architects | 01 | 30/5/16 |
| CD301 | Dominic Finlay Jones Architects | 01 | 30/5/16 |
| CD400 | Dominic Finlay Jones Architects | 01 | 30/5/16 |
| CD401 | Dominic Finlay Jones Architects | 01 | 30/5/16 |
| 620-02 | Plummer and Smith | B | 14/4/16 |
| 620-03 | Plummer and Smith | B | 14/4/16 |
| 620-04 | Plummer and Smith | B | 14/4/16 |
| 620-05 | Plummer and Smith | B | 14/4/16 |
| 620-06 | Plummer and Smith | B | 14/4/16 |
| 620-07 | Plummer and Smith | B | 14/4/16 |
| 620-08 | Plummer and Smith | B | 14/4/16 |
| 620-09 | Plummer and Smith | B | 14/4/16 |
| 620-10 | Plummer and Smith | B | 14/4/16 |

OWNER: Lismore City Council

APPLICANT: Newton Denny Chapelle

AUTHOR: Mike Svikis (Consultant Planner)

DATE OF REPORT: 07/07/2016

DATE LODGED: 20/04/2016

ADDITIONAL INFORMATION: 24/6/2016

EXECUTIVE SUMMARY

This development application seeks approval for alterations and additions to enable the conversion of an existing two storey ex school building known as C Block for the purposes of the Lismore Regional Art Gallery, comprising: several gallery spaces, office space for the Lismore Regional Gallery and Arts Northern Rivers; combined event, function and workshop spaces; combined meeting rooms; commercial space for a bookshop and café and the outdoor quadrangle being a community gathering space connecting C Block with the Northern Rivers Conservatorium and the Lismore Library. The development also includes on site car parking, a loading bay for the gallery, tree removal, landscaping and modification of the access to Northern Rivers Conservatorium parking.

The development application was publicly exhibited from 11 May 2016 until 8 June 2016 and two submissions were received. An additional submission was received on 17 June 2016 and it has also been considered. The issues raised focus primarily on traffic, parking and disabled parking. These issues have been addressed in determining this application.

The site is flood prone and classified by Council as "flood fringe area (CBD flood liable)". The proposed non-habitable use of the existing building (subject to a flood evacuation plan) is an acceptable solution and is unlikely to exacerbate flooding on other properties.

The development will not impact negatively on the heritage significance and value of C Block, the site generally, or the adjoining public library and Conservatorium buildings. Heritage issues are dealt with sympathetically through the innovative redesign of C Block and the important buildings nearby will benefit from the redeveloped public open space and facilities. It will significantly prolong the functional life of the currently disused building.

The traffic and parking issues can be dealt with on site and the locality has the infrastructure and services to support the project. Disabled access and related issues have been adequately addressed.

The signage proposed for the building has not been adequately documented and there is insufficient information to approve it as part of this application. It can be dealt with through a later application.

The development will contribute to the revitalisation of Lismore CBD and is consistent with Council's strategic planning for this locality. It is generally consistent with Lismore LEP 2012 and Lismore DCP 2012 including Lismore Cultural Precinct DCP (Part B Chapter 3). No variations to standards are required.

The development has been well supported by the community over many years and the issues raised in submissions about traffic and parking have been addressed. There will be significant socioeconomic benefits if the project proceeds and an approval is in the public interest.

ISSUES/VARIATIONS: Parking and traffic; flood planning; heritage planning; signage; urban design and building reuse.

SUBMISSIONS: Three submissions were received from the public exhibition

RECOMMENDATION: Approval

Background

The Lismore Quadrangle is a project to rebuild the Lismore Regional Gallery and create public open space in the centre of the CBD bordered by the new gallery, Lismore Library and the Northern Rivers Conservatorium. Lismore Council has received a Stronger Regions Fund grant of \$2.85 million for the Lismore Quadrangle project, which will cost a total of \$5.8 million. There has also been a donation of \$500,000 from the Margaret Olley Arts Trust.

The landowner (of Lot 14 DP 867281 and Lot 11 DP 859167) and proponent is Lismore City Council (Lot 15 DP 867281 is owned by Northern Rivers Conservatorium Arts Centre). The project is a Crown application with a capital investment value of development that exceeds \$5 Million. The application will be determined by the Joint Regional Planning Panel (JRPP). The planning assessment has been undertaken by an external planning consultant (Mike Svikis) to provide an additional level of separation between Council as proponent and Council as the assessor of applications.

The applicant (Newton Denny Chappelle - NDC) attended a pre lodgement meeting with Council officers and the project architect on 2 February 2016. The minutes from that meeting are included as Attachment 6 to the NDC development application.

Description of Proposal

The proposal is for the redevelopment of the existing C Block building (within the former Lismore High School site) for a regional art gallery. The development will include the Lismore Regional Art Gallery, comprising; several gallery spaces, office space for the Lismore Regional Gallery and Arts Northern Rivers; combined event, function and workshop spaces; combined meeting rooms; commercial space for a bookshop and café and the outdoor quadrangle being a community gathering space connecting C Block with the Northern Rivers Conservatorium and the Lismore Library. The development also includes on site car parking, a loading bay for the gallery, tree removal, landscaping and modification of the access to Northern Rivers Conservatorium parking.

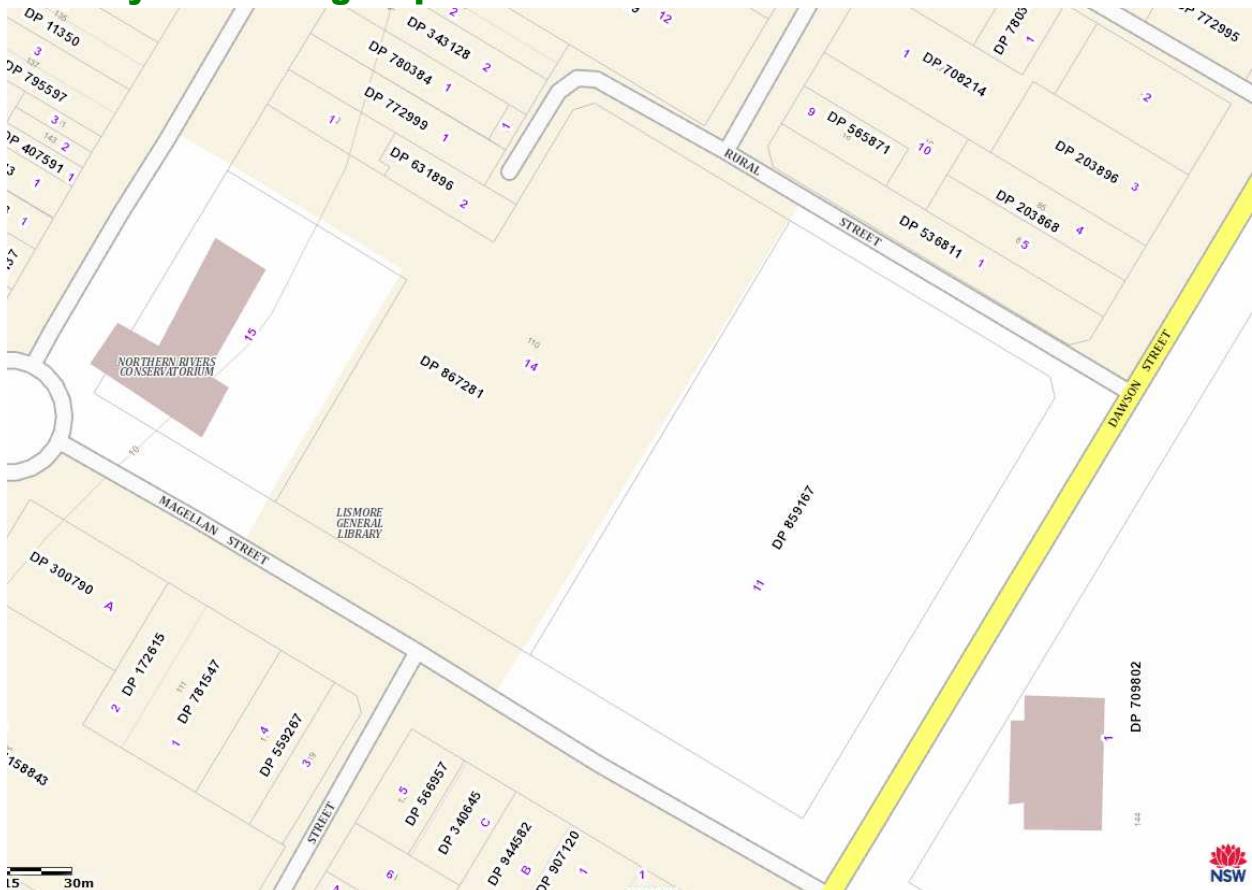
The application lists a café as part of the proposed reuse of the lower floor of the existing building. However, no specific space is included in the plans to show where a café will be located. The proposed kitchen on the plans is not large enough to prepare goods for sale, and is designed as a staff kitchen. The applicant has indicated the café was intended to be associated with the proposed bookshop near the southern entry to the building.

The environmental features of the development include: use of a north side addition to provide a thermal buffer to the gallery spaces; use of humidity air locks to reduce power consumption; the installation of 100 solar panels on the roof to generate power on site to run the building; re use of bricks removed from the walls to infill gable ends and windows that are not required; and use of external areas for foyer space, circulation, etc to limit the area that needs to be climate controlled.

The C Block redevelopment and the majority of the proposed works are located on Lot 14 DP 867281. The loading bay access for the gallery is located on Lot 11 DP 859167 and changes to the access to the Northern Rivers Conservatorium car park are located on Lot 15 DP 867281.

The plans of the proposed development are illustrated in **Attachment 1** to this report.

Locality and Zoning Maps



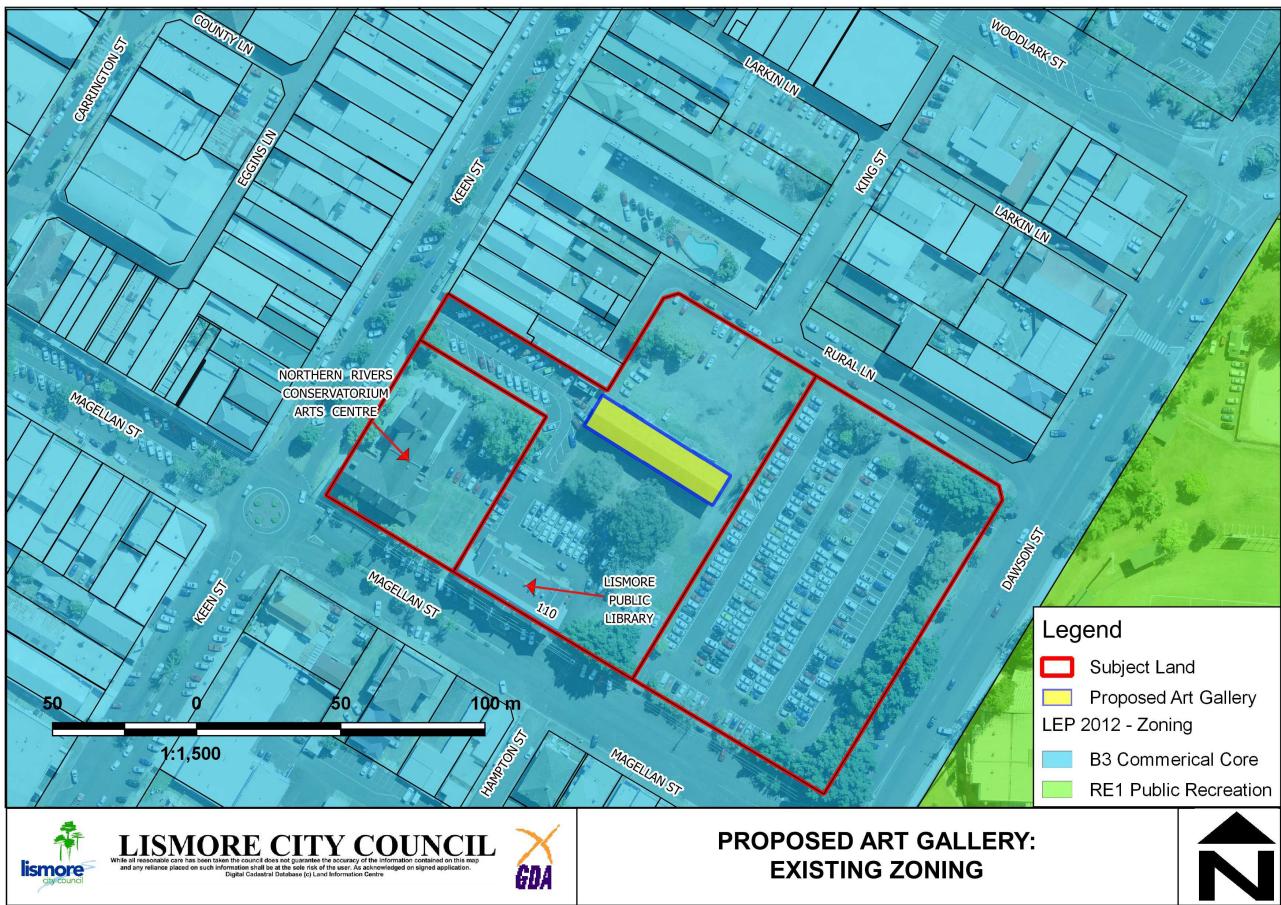
LISMORE CITY COUNCIL

While all reasonable care has been taken, the council does not guarantee the accuracy of the information contained on this map and any reliance placed on such information is at the user's own risk. The map is not intended for signed application.



**PROPOSED ART GALLERY:
SITE AND LOCALITY**





Statutory Controls

Lismore LEP 2012

- Zoning – The site is entirely zoned B3 Commercial Core. A gallery is defined as an *information and education facility* which is permitted in the zone with Council consent. The various other uses are included within the definitions of *Commercial Premises (retail premises and food and drink premises)* and *Function Centres* and are also permitted with Council consent.
- Item of Heritage – Yes. The building known as C-Block is part of the Former Lismore High School group of buildings that are identified as an item of local heritage significance (Item I52).
- In vicinity of Heritage Item – Yes. The adjacent Northern Rivers Conservatorium of Music and the Lismore Library are also part of local heritage item I52.
- Conservation Area – No

S94 Contributions Plan

Environmental Planning & Assessment Act 1979

SEPP No. 55 – Remediation of Land

Policy Controls

Lismore Development Control Plan 2012

1.8.5 Undergrounding of Power Lines - CBD

5.2.10 Equity in Access and Provision of Facilities to Public Spaces

5.17.7 Heritage

8.2.1 Public Art Policy

Description of Locality

Most of the development will take place on Lot 14 DP 867281 which is a lot of 9,331 m² with frontage to Magellan Street, Keen Street and Rural Street. Lot 14 contains the C-Block building,

the Lismore Library, two car parks and a gravel and open grassed area that are used casually for car parking.

The site is located at the eastern edge of Lismore CBD and is surrounded by a variety of land uses. To the east is the Harold Fredericks Car Park (Lot 11 DP 859167) and beyond Dawson Street is the Oakes Oval regional sporting complex. To the west is the Northern Rivers Conservatorium of Music, a small car park and a variety of shops along Keen Street. To the north is an area of open land used for casual car parking, and beyond Rural Street a steel fabrication business and a small motel. To the south is the Lismore Library and beyond Magellan Street are more shops and another motel.

The topography of the site is mostly flat with a slight fall towards Dawson Street. Vehicles can currently access the site from all three road frontages. The site has a number of trees including a mature Fig tree adjacent to the Lismore library.

Internal Referrals

Building

The application has been reviewed and comments provided, with no objections raised subject to the imposition of appropriate conditions.

The energy efficiency evaluation (Attachment 5 of the application) concludes that the building (as modified by the recommendations of the assessing engineer) will comply with Part J of the BCA 2015.

Building fire services are to be upgraded to comply with the relevant requirements of the BCA.

Building accessibility is to comply with the requirements of Part D3 of the BCA and the Accessibility Standards. The proposed building works and the existing building shall be upgraded to incorporate the recommendations of the BCA Consideration Report NO.16008, prepared by BCA Check Pty Ltd dated 16 February 2016.

Environmental Health

The application has been reviewed and comments provided, with no objections raised subject to the imposition of appropriate conditions. The Environmental Health comments are summarised as follows:

The development does not raise any major environmental issues. It is not expected that the site is contaminated from past land use and the gallery is a non-habitable land use. Noise impacts are not anticipated. These and other issues can be addressed with standard conditions of approval.

The application lists a café as part of the proposed reuse of the lower floor of the existing building. However, no specific space is included in the plans to show where a café will be located. The proposed kitchen on the plans is not large enough to prepare goods for sale, and is designed as a staff kitchen. The applicant has indicated the café was intended to be associated with the proposed bookshop near the southern entry to the building. A condition is required to confine the café to this location and make it subject to future approvals for trade waste.

Council's Heritage/Urban Design Advisor

The application has been reviewed and comments provided, with no objections raised subject to the imposition of appropriate conditions. The Heritage/Urban Design advisors comments are summarised as follows:

The adaptive reuse of the former Lismore High School C Block to be repurposed as the Lismore Regional Art Gallery will not impact the heritage significance and value of the subject building and adjoining library and conservatorium buildings satisfying the provisions of the Lismore LEP 2012

Clause 5.10 Heritage Conservation and provisions of Lismore DCP Chapter 12 Heritage Conservation and is thereby supported.

In consideration of the adaptive reuse of an existing building as a regional art gallery which will prolonging its functional life combined with sound site planning, landscape planning and internal building planning which integrates a series of passive design measures, the proposed design of the regional gallery is considered to be an exemplar of environmental sustainable development.

Given the modest floor area relative to a regional art gallery, there is opportunity to consider how the building or surrounding site could potentially be expanded at a future time. This development application stages doesn't preclude any expansion options.

Rather than infilling the lower three windows on the buildings western elevation, there is opportunity to reimagine these windows as extruded displays or light box installations forming an expressive terminating view at eye level along the laneway access to Keen Street and a counterpoint to the heavy brick elevation. This could be an opportunity to meet the public art requirements of Council's policy.

It is noted that within the curtilage of the former Lismore High School buildings a number of significant trees are referenced within the Lismore Heritage Study (Site Card Ref: 30011) and include:

"Row of mature Camphor laurels to 13m high. Located in former high school grounds, along Keen Street frontage. Cabbage palm, 8m high also of note. Row of Hills Figs, to 12m high, in car park of Magellan Street. Named "Harold Fredricks Car Park."

Of these identified trees, only one existing Camphor Laurel is identified for removal as illustrated on the landscape concept plan (620-09). It is noted that this tree has been significantly modified given the location of overhead electrical lines which, without the trimming, would run through the trees crown/canopy. As such the removal of this tree would not have a significant impact on the sites overall heritage significance. It is important to note that in its place a row of 13 trees lining the pedestrian entry will be planted and better located as to not cause a conflict with the overhead line infrastructure while providing a shaded tree lined entrance to the new gallery.

Key trees, including two figs to the immediate south of C Block will be retained and become key landscape elements within the site plan. In particular the south facing foyer which seamlessly flows on to the quadrangle will provide outdoor shaded refuge from the hot summer sun. The proposed fly roof awning over this space will contribute additional shade to this space as well as forming a strong visual entrance to the site as experienced from the Keen Street access. Submitted sections illustrate that the physical separation from the main roof plane will admit some sunlight during winter months and reflected light to the foyer space below.

Additional comments are provided in the consideration of Lismore LEP 2012 and Lismore DCP 2012.

Water and Sewer

The application has been reviewed and comments provided, with no objections raised subject to the imposition of appropriate conditions. The Water and Sewer comments are summarised as follows:

Section 64 levies are not generated by this development. The development is a refurbishment of an existing building previously used as a Secondary School. A Secondary School represents a relatively high water use whereas the Art Gallery would have an intermittent use ranging from high to low at any *given* period. The proposed development potentially would amplify the current use of the site but this is speculative. Apart from the history of the site the alterations and additions do

not result any increased level of service with respect to domestic water supply. The site will require an upgraded fire service however fire services do not attract levies.

No Liquid Trade Waste activity is proposed with this application however, the potential for this use is present given the size and nature of the proposal. A precautionary condition of consent is recommended in this regard.

Engineering/Traffic/Stormwater Drainage

The application has been reviewed and comments provided, with no objections raised subject to the imposition of appropriate conditions. Council's Development Engineer's comments are summarised as follows:

Traffic

Magellan Street carries 2,230 vehicles per day (measured between Carrington Street and Molesworth Street). On a standard day excluding opening nights or larger events, peak hour traffic generation for the gallery is anticipated to well below 48 trips per hour. As a collector street Magellan Street has an estimated spare capacity of 77 peak hour vehicle trips without significantly impacting the level of service. Traffic generated during major events will be staggered to the CBD peak and is not likely to have a significant impact on the CBD level of service. The risk of the gallery peak traffic flow coinciding with the CBD peak traffic flow is considered low. It is considered that the external street network will not be adversely impacted from this development.

Parking

The subject land accommodates 77 parked cars, including the sealed spaces and the unsealed area to the east of the library. 24 of the sealed spaces in the car park directly off Keen Street are for public car parking and are not directly attributed to the library. On this basis there are 53 spaces (including the unsealed area to the east of the library) available to service the library area.

The proposed art gallery has a 40 car park space demand. The existing building has 24 car park space credit. Applying a 25% reduction for shared use the gallery is required to provide an additional 6 car parking spaces. A further 7 car spaces are lost due to access from Frederick's car park, Rural Street and the proposed conservatorium carpark access from Magellan Street. The library also has a 40 car park spaces requirement. The total site car parking requirement for this development is 53 car park spaces.

The provision of the Quadrangle green space requires the car parking area to be reconfigured. The proposed re-configured car park areas will provide a total of 78 car parking spaces resulting in a small improvement to the current car parking level of service for the art gallery and library cultural area.

The proposed car park area will provide extensive after hours parking for the evening and weekend art gallery events.

Interaction with adjoining sites

The delivery area at the rear of library may not meet the Australian Standards for delivery vehicle manoeuvring. The applicant's original proposal required delivery vehicles to reverse in an area that is shared with pedestrians. This raised unacceptable safety issues.

The preferred option is that the library delivery vehicles are to load and unload from the shared driveway area immediately to the east of the library building. The deliveries will then be manually handled between the loading/unloading area and the library. This method of delivery although not ideal provides the least degree of impact to the public area immediately north of the library.

Magellan Street Pedestrian Access

It is important to maintain a high level of pedestrian access to the gallery and the quadrangle from Magellan Street. For this reason the proposed driveway alongside the eastern side of the library

building should be limited to pedestrian activity and library delivery vehicles only. This will require Car Park C to be physically separated from the shared area.

Car Park “C” Access

The access for Car Park C through the Frederick’s carpark is adequate for the time being. Council does anticipate an application in due course for land immediately to the east of Car Park C for serviced apartments. This application will be dealt with on its merits but will need to further address access to Car Park C.

Art Gallery Loading Area Access

Heavy vehicle access to the art gallery is to be provided from Frederick’s carpark. The developer will be required to upgrade to council’s satisfaction the section of the Frederick’s car park driveway used by the art gallery service vehicles. Right of access to the art gallery loading area must be preserved. Generally this is achieved through an easement agreement however given the joint ownership by council, the proponent will be conditioned that should either the Fredericks car park or the Art Gallery site be further developed, subdivided or sold, an easement access agreement in the form of a restriction on use in the form of a “Right of Carriageway” providing reciprocating usage rights to both lots for a shared driveway facilities is required.

Stormwater

The applicant suggests that the development is considered minor under DCP Chapter 22 “Water Sensitive Design” because the increase in impermeable areas is less than 300m². Although the increase in impermeable area of the building is less than 300m² the sealing of Car Park B exceeds this area. Therefore this development is considered a “major development” for the purpose of this DCP and the proponent will be conditioned to abide by the requirements DCP chapter 22 “Water Sensitive Design”. The proponent will be required to develop a site specific stormwater management plan (SMP) that comprehensively addresses maintenance requirements (including timetabling of maintenance), access to facility, longevity for all stormwater devices, and the performance monitoring of the installation and discharges. The SMP shall identify proposed underground drainage and over land flow paths, while demonstrating no impact on adjoining properties.

Additional comments are provided in the consideration of Lismore LEP 2012 and Lismore DCP.

Tree Officer (Arborist)

The application has been reviewed and comments provided, with no objections raised subject to the imposition of appropriate conditions. The Tree Officer’s comments are summarised as follows:

The plan to remove 17 trees for this DA is acceptable. The Tree Officer is mindful of the proposed landscaping and tree planting that is going to occur as this will improve the site considerably. It is also important that the trees that are remaining are pruned in accordance with the Australian Standards for Pruning Amenity Trees and are to be protected from excavation, compaction and construction in accordance with the Australian Standard for the Protection of Trees on Development Sites.

Particular concern was raised in relation to the likely impact of Car Park C upon the existing large fig tree (*Ficus hillii (microcarpa)*) that is located between Car Park C and Magellan Street. An assessment of the potential impacts upon the tree from the car park has been undertaken in accordance with the Australian Standard, Protection of Trees on Development Sites (AS4970 – 2009). The assessment of the fig tree’s Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) was critical in determining how close excavation can occur to the tree, and to what extent development encroachment can occur without affecting its health, and its structural integrity. The preliminary Arboricultural impact assessment of the fig tree determined:

- the SRZ of the tree is 5.25 meters, where no excavation from the fig tree is to occur within this distance as a minimum. Construction activities that puts at risk the health of the SRZ, such as compaction and filling, must also be prohibited.
- the TPZ is considered to be an area of no less than 10m from the existing front boundary fence (Magellan Street) and 25m from the Library entry to the fence line of Harold Fredericks Car Park. The TPZ is for the protection of roots essential for water, air and nutrient absorption. Because of other existing impacts upon the root zone such as compaction from the existing carpark, pruning for power lines and the footpath and road to the South, the TPZ is critical for the health of the fig tree.
- upon consideration of the SRZ and TPZ and other impacts such as existing footpath and road infrastructure, it is proposed that the design of the carpark consider:
 - asphalt and associated pavement excavation to be no closer than 8 meters from the fig tree trunk;
 - a minimum 100m² area under the fig tree canopy is to be maintained as a mulched or garden area to enable a compaction free zone for tree root health and allow for stilted root development (as seen on the fig now). The 100m² area is defined by measuring a 25m length along the Magellan Street frontage (12.5m either side of the fig tree) and a 4m width into the site from the Magellan Street front fence.
 - a minimum 4m of gravel, or similar, between mulched zone to asphalt pavement to allow for water and air infiltration to the root zone. No level changes should occur in this zone, leaving the gravel in-situ. The hand removal of existing asphalt clumps is recommended to improve water infiltration and amenity of the gravel surface;
 - careful pruning of the fig tree to raise the canopy clear of excavation and loading plant will be required; and
 - edging of the mulched zone from the gravel zone should include large treated pine slabs, or similar, to act as a car stop and keep mulch from gravel surface.

Because of the significance of the large fig tree adjacent to Car Park C, a deferred commencement condition has been proposed requiring the applicant to demonstrate to the satisfaction of Council how Car Park C is to be designed and constructed so as to ensure the protection of the fig tree. Other conditions have been proposed in relation to tree removal and retention/protection.

Landscape Officer (Parks and Reserves)

The application has been reviewed and comments provided, with no objections raised subject to the imposition of appropriate conditions. The Parks and Gardens comments are summarised as follows:

All turfed areas should comply with the following requirements:

- 'Wintergreen' Couch (variety)
- Minimum 1:4 slope with a preference of 1:5
- All rock and debris to be removed before laying
- All trenches and back-filled areas are to be compacted prior to turfing works
- Turfed areas are to be free of significant undulations that is not conducive to ease of mowing

Consideration should be given to planting of trees along the northern boundary of Carpark B.

Consideration should be given to dedicating carpark number 9 in Carpark B to landscaping to improve the visual amenity of the carpark. It is also a key vista as you walk along the path from the Art Gallery to the carpark.

Filling over roots of the retained trees on site may lead to tree health decline or death. Recommend the landscaper get advice from a Consulting Arborist on this issue.

These issues are addressed within this report and the recommendations and proposed conditions.

External Referrals

NSW Police

The following comments were received from the Richmond Local Area Command Crime Management Unit:

- Clear sight lines from Keen Street into the Quadrangle;
- Minimum 2.5 m path width;
- Graffiti resistant building material and paint – rapid removal of graffiti;
- Security screens or roller doors for the glass doors on the northern side of the building;
- CCTV surveillance cameras at all entrances, and internal public areas;
- CCTV digital information to be available for 30 days, high grade, and readily available to Police;
- CCTV to be signposted throughout the site as a deterrent.

These issues are addressed within this report and the recommendations and proposed conditions.

Notification/ Submissions

The development application was notified to adjoining and surrounding property owners, advertised in Local Matters and had an on-site sign erected in accordance with the provisions of the Lismore DCP for the Notification and Advertising of Development Applications. As a result of the notification and advertising, three (3) submissions were received (two submissions from the same person) which are summarised as follows:

| Name of Submitter | Summary of Issues Raised | Assessment Comment |
|-------------------|---|---|
| Brad Lancaster | The proposed development only includes two disabled parking spaces which open onto a footpath for side access. This is unacceptable to service the art gallery and the public library. | The two disabled car spaces are for the gallery only. There are already two disabled car spaces in Magellan Street that are located to service the library. The disabled car spaces comply with the Australian Standards AS2890.6 which allows for a shared area to be used in conjunction with another accessible space and/or a walkway. The path also has to be wheel chair accessible from the disabled spaces. |
| Big Rob | The proposal does not adequately address parking and access issues as follows: Keen street access parking should not be multi-purpose – it will be lost to parking when the site is busiest; 90 degree parking is not supported over angle parking due to car damage; Oppose Council paying for a new access to the Conservatorium car park; Oppose losing the car spaces in front of the Library (quadrangle side); Oppose losing car spaces to landscaping in Car Park B on north side or Art Gallery. | Parking has been adequately addressed against Council policies and codes. It is agreed that use of the Keen Street parking area for non-parking purposes during a busy period would be counterproductive. This approval does not include any such uses. They would be subject to a separate approvals process. All car spaces (whether 90 degree or otherwise) will need to comply with AS 2890. This consent does not predetermine that Council will pay for the new access to the Conservatorium car park. That will need to be separately negotiated should this DA be approved. |

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| Big Rob #2 | Approval in principle to sell some of the Fredericks Car park for serviced apartments will lose 120 more car spaces that Council is not sure can be replaced. The parking space calculations for this DA don't consider the informal spaces that will be lost by this development. | The recent decision by Council to sell some adjacent land is not a major consideration in the assessment of this application. However, in considering the sale of part of Fredericks Car Park for serviced apartments (consistent with its strategic planning for the CBD) Council has determined that the car spaces can be replaced in proximity to the site. Council policies on car parking do not account for informal use of vacant land for car parking. |
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Consideration

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, are assessed under the following headings:

Lismore LEP 2012

Zone, Definition and Permissibility

The proposed development is permissible as a *information and education facility, Commercial Premises (retail premises and food and drink premises) and Function Centre* within the B3 Commercial Core zone under the provisions of the Lismore LEP 2012.

Zone objectives and Zoning Control Tables

Having regard to the provisions of Lismore LEP 2012, it is considered that:

- (a) The development is in accordance with clause 2.3 and promotes the specific aims of this plan, the objectives of the zone and the objectives of the controls, and
- (b) The development, in particular, is in accordance with and promotes the character of the neighbourhood within which the development is carried out.

As such, consent to the development may be granted.

Part 4 – Principal Development Standards

1. Height of buildings (cl 4.3)

The proposed building height will remain at 9.965 m above existing ground level and is well within the maximum building height limit for the site of 20.5 metres.

2. Floor space ratio (cl 4.4)

The proposed Floor Space Ratio (FSR) is 0.13:1 which complies with the maximum requirement for the site of 3.25:1. The gross floor area of the building is 1,206 m² and the site area is 9,331 m².

Part 5 – Miscellaneous Provisions

3. Preservation of trees or vegetation (cl 5.9)

Seventeen trees are proposed to be removed as part of the development of this site. Council's arborist has agreed that the loss is reasonable in the circumstances and offset by significant landscaping and tree planting.

4. Heritage conservation (cl 5.10)

The subject land (including C Block) is listed in Lismore LEP 2012 (Schedule 5) as containing a Local Heritage Item (number 152) – the Former Lismore High school. The proposed art gallery will occupy the disused and dilapidated C Block which is the least significant of the three remaining school buildings on the site. It is a 1950's/60's two storey red brick building with white window trim and a red tiled roof. Its constructive re-use will retain the majority of its features (gable ends, red brick façade) while adding a renewed vitality and interest to the structure (additional windows and doors, awnings, public art, etc). The associated landscaping and open space embellishment will bring the community back into this space to reclaim this important location as a functional part of the Lismore CBD. The redevelopment respects the heritage significance of the C Block building and surrounds and will be an asset for the Lismore community.

Council's urban design and heritage advisor has assessed the application and advises that "*The adaptive reuse of the former Lismore High School C-Block as the Lismore Regional Art Gallery will not impact the heritage significance and value of C-Block or the adjoining library and conservatorium buildings. It satisfies the provisions of the Lismore LEP 2012 Clause 5.10 Heritage Conservation and provisions of Lismore DCP Chapter 12 Heritage Conservation and is thereby supported.*"

Part 6 – Additional Local Provisions

5. Earthworks (cl 6.2)

Earthworks required to facilitate the development are relatively minor due to the substantive reuse of the existing building. Conditions will be applied to ensure that appropriate erosion and sediment controls are installed prior to and during works to ensure no significant sediment leaves the site.

6. Flood planning (cl 6.3)

The subject land is within the flood planning area shown on the flood planning map in Lismore LEP 2012. The flood planning level for the site is 12.87 metres AHD (1% flood height is 12.37 metres AHD). The 1 in 500 year flood level is 13.4 metres AHD. Ground level in the location of C Block is about variable from about 8.0 metres to 8.8 metres AHD. The existing C Block ground floor level is 8.8 metres AHD. The first floor level is 12.35 metres AHD.

This clause requires Council to be satisfied that the development:

- (a) *is compatible with the flood hazard of the land,*

Comment: *Lismore Floodplain Risk Management Plan 2014* identifies this part of the CBD as "medium risk" in a 1 in 100 year event with flood depth at this site of about 3.75 metres (depending on ground level), flood velocity of about 0.79 metres per second and flood levels rising at a maximum rate of 1.4m/hr. The re-use of this building for a non-residential use is compatible with its known flood hazard despite it remaining flood affected at both ground and first floor levels. Council expects the CBD to be developed in this way.

- (b) *is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties,*

Comment: The enclosed footprint of the building will increase by about 40% (219 m²) from 520 m² to 739 m². (Note: enclosed footprint is not the same as Gross Floor Area). In the context of the size of this site and the footprint of development in the CBD this is a minor increase and will have minimal impact on flood behaviour.

- (c) *incorporates appropriate measures to manage risk to life from flood,*

Comment: The non-habitable use of the building decreases the risk to life given normal CBD flood warning times. The risk to life from flood will be improved by the inclusion of a permanent set of stairs from the conditioned store to the roof space at the eastern end of the first floor. If someone was caught in the building during a major flood they could remain above the 1 in 500 year flood level (13.4 metres) by retiring to the roof space utilising an emergency evacuation platform until flood waters recede. Usage of an emergency excavation platform is to be included in the flood evacuation plan. Provision of an emergency evacuation platform and implementation of a flood evacuation plan will be imposed as a condition of consent to ensure all staff and volunteers know about flood procedure.

(d) *is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses,*

Comment: No environmental damage is anticipated as the site is not on a river bank or in a vegetated area. Erosion and siltation will be managed on site in accordance with best practice.

(e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

Comment: The reuse of C Block as an art gallery will not increase the socio economic costs of flooding in Lismore. The first floor of the building will remain dry in most flood events. The 1 in 100 year flood level of 12.37 metres AHD would put about 2 cm of flood water into the first floor. A predetermined system of storage could see this level used to avoid costs to public property as a result of deep water inundation on the ground floor.

Additional comments are provided in the consideration of Lismore DCP.

7. Drinking water catchments (cl 6.4)

Sediment and erosion controls will assist with maintaining water quality during construction. The stormwater measures imposed as conditions of approval will assist in maintaining water quality during the life of the completed development.

8. Essential services (cl 6.9)

The subject land is serviced by and connected to all necessary services which have the capacity to supply the proposed development.

Compliance Table

| Site Area – 9,331 m ² | Proposed | Control | Complies |
|----------------------------------|----------|---------|----------|
| Building Height (Cl. 4.3) (max) | 9.965 m | 20.5 m | YES |
| Floor Space (Cl. 4.4) (max) | 0.13:1 | 3.25:1 | YES |

SEPP 55 & Contaminated Land Management Issues

Following a review of available information, Council is unaware of any contamination affecting the site. The subject site has been considered in the context of Clause 7 of State Environmental Planning Policy 55 and the Contaminated Lands Management Act and is considered unlikely the subject site presents contamination issues such that remediation would be required for the development to proceed. The applicant has suggested that areas excavated on the site (although minimal) will be only reused if tested and found to be free from contamination. This should be included as a condition of approval.

Lismore Development Control Plan

The application has been assessed against the relevant controls in the Lismore DCP as indicated in the following compliance table, and comments are provided where the proposal does not strictly comply with the applicable provisions or conditions are required to address certain matters. Additional more detailed comments with regard to the major issues are provided after the table.

1. Development Control Plan Compliance Table

| LISMORE DEVELOPMENT CONTROL PLAN | | |
|---|--------------------|--|
| | Complies Yes/No | Comments |
| Commercial Development (Urban Design in the CBD) | | |
| General Guidelines | Yes | The additions to C Block include extended roof lines that respond to Lismore's climate by incorporating weather protection elements for pedestrians. The renewed building will present a modern form that retains existing brickwork and does not detract from existing vistas and views. It will be energy efficient and make a positive contribution to the streetscape and the cultural precinct. It will be compatible with local heritage values. |
| Additions to Existing Buildings | Yes | The C Block redevelopment retains much of its form and scale that complements its locality in the cultural precinct. The roof changes are innovative and interesting and do not detract from the setting. A covered outdoor area is proposed on the north side. The materials and colours to be used are similar to the existing structure including red brick. The existing gable ends will be retained. The redevelopment of the Keen street laneway will make this entrance more open and inviting for pedestrians. |
| Weather Protection | Yes | An outdoor covered area is located at the north side and awnings are provided over the north side main entrance. A large awning is also located along two thirds of the south side of the building. |
| Surface Treatment and Street Furniture | Yes | The redevelopment includes landscaping of the quadrangle area on the south side including a large flexible grassed plaza space, concrete seating and lighting for gatherings, trees retained for shade. Plus seating at the landscaped north side entrance, screen planting in car parks, and pathways throughout the site. The site has disabled access throughout and includes a disabled car parking space. |
| Building Heights | Yes | The building height remains unchanged at 9.965 metres. The maximum height permitted in the LEP is 20.5 metres. |
| External Appearance | Yes | Whilst being sympathetic to the adjoining heritage buildings by way of enhancing the landscape context and utilising a sympathetic building material palette, the overall design will be distinctly contemporary. This is evident with the overall site planning with the use of a new fly roof to create an interstitial space to be used as an alfresco seating area, southern foyer and entrance. The new fly roof foyer which takes an inverted pitch tapering form visually and physically disconnects from the main building clearly delineating the old from the more expressive new roof form. Similar the existing roof plane in the north eastern corner is pulled down almost to ground level purposefully skewing and |

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| | | distorting the existing roof into a new contemporary form shrouding the extended service and loading area. |
| Design and Scale | Yes | <p>The proposal to retain and reimagine the quadrangle as an open landscaped space which backs on to and benefits all the surrounding heritage buildings will retain and enhance their contextual and visual setting and prominence within a new public space setting. Further, by introducing a series of shared zones and increasing landscape areas there will be a stronger pedestrian priority across the site and opportunity for passive open space use which is befitting of the site's former historic playground use.</p> <p>The proposed adaptive reuse of the former Lismore High School C-Block also ensures that the overall scale of this building remains compatible with the adjoining heritage items which largely satisfies the intent of the 'general streetscape design context' design guideline of Lismore DCP Chapter 12 Heritage Conservation.</p> |
| Setback | Yes | The building setback remains substantially as it currently is due to reuse of C Block. |
| Materials/Colours | Yes | Perhaps one of the most significant of the environmental sustainable development considerations is the proposed adaptive reuse of an existing building. The proposition to modify and extend C Block and repurpose it as a regional gallery, rather than demolish and rebuild, prolongs the active and functional life of the building and with it the embodied energies of the buildings retained structure and materials. The existing building envelope including the red brick elevations will be retained. New additions including a fly awning roof over the buildings southern elevation will be a combination of steel and timber with a sheet metal roof. New and more significant additions to the northern elevation will be a combination of brick, and metal wall cladding with metal sheet roof. The use of colour is sparing across the elevations with the existing red face brick, black window frames and the inherent colours and tones of metal sheet wall cladding, polycarbonate and plywood which features within the proposed material palette. The counterpointing the heavy masonry materials of the original building with 'lighter materials' of the newer building elements will reinvigorate the existing utilitarian form and finish of the former school building with renewed architectural and building material richness. |
| Signage | No | <p>An illuminated 9m² building identification sign is proposed on the east and west gable ends of the building.</p> <p>Although Council agrees the size and location of the signs appear appropriate there is insufficient information to properly assess the proposed signage. It will be a condition of approval that no signage be erected as part of this application. It can be subject to a future S.96 application or a separate application at some time in the future.</p> |
| Off-street Parking | | |
| Design, Layout and Landscaping | Yes | <p>The car parking is split into 3 locations (Car parks A, B and C) being on the north, south and west sides of the gallery. Each car park includes between 24 and 28 spaces plus landscaped areas. For major events held after business hours the Fredericks Car public park will be available.</p> <p>Each of the car parks A, B and C provide reasonable pedestrian access from the car parking areas to the proposed art gallery and library buildings.</p> |

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| | | <p>This chapter requires that shade trees should be provided at a rate of approximately 1 per 5 car parking spaces. As detailed below in this report, the proposed art gallery requires an additional 13 on-site car spaces, which equates to a requirement for 3 shade trees. It is desirable that the shade trees be provided on the northern side of Car Park B. A condition will be applied in this regard.</p> <p>This chapter requires that landscaped areas are to have a width of not less than two (2) metres, thus providing a viable area for gardens and screening. Car Parks A and C both provide greater than 2m landscape setbacks from their adjacent streets. Car Park B however does not provide the required 2m landscaped setback from Rural Street. There is ample space of the site to ensure that a 2m landscaped setback is provided between Car Park B and Rural Street. A condition will be applied to ensure compliance with this requirement.</p> <p>Loading and unloading for the proposed art gallery and the library is addressed in detail above in this report and in the conditions of consent.</p> <p>In addition to the above, conditions will be applied that the proposed car parking areas be designed and constructed to comply with the relevant Australian Standards and that landscaping and lighting are provided in accordance with CPTED principles.</p> |
| Car Parking Spaces Required | Yes | The proposed re-configured car park areas will provide a total of 78 car parking spaces. This will satisfy the current parking demand based on additional GFA. See below this table for a more detailed parking assessment of the proposed development. |
| Flood Prone Lands | | |
| Development Controls (Flood Fringe - CBD) | | The subject land is classified as flood fringe area (CBD flood liable) |
| Commercial | Yes | <p>As the development is adaptive reuse of an existing building the application is assessed on its merits rather than against the controls that would apply to a new building. The C Block building currently has both the ground and upper floor below the flood planning level. Given the building has withstood numerous floods, the major concern is with the safe and orderly evacuation of staff and public. To address this issue the consent will be conditioned to provide a flood evacuation plan.</p> <p>The redevelopment plans do not provide an emergency evacuation platform or refuge within the building for the safe refuge and evacuation of persons caught in the building during a flood event. Given the depth and the velocity of the flood water the applicant will be conditioned to provide an emergency evacuation platform/refuge in the building above the 1 in 500 year ARI flood level (13.31m). There is a plant room located in the ceiling. This area could be extended and used for this purpose. Usage of the emergency evacuation platform is to be included in the flood evacuation plan.</p> |

| Heritage Conservation | | |
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| Basic Principles to be Observed | | <p>Whilst C Block is of minimal heritage value, the adjoining library and conservatorium buildings are heritage items dated to 1902 (some with later additions) and are representative of local Arts and Crafts architectural style. Being former school buildings they were in use for over 100 years with the Magellan Street site used as school from 1882. In 2003 the Lismore City Library and other community services were relocated into the building. The 1902 school buildings on Keen Street are currently the Northern Rivers Conservatorium Arts Centre today. A number of other buildings across the site have since been demolished.</p> <p>Although there are a number of key specific architectural building elements that underpin the heritage value of these buildings, being a former school 'campus' the setting, curtilage and site context of these buildings are also important considerations. The curtilage of the library building is currently dominated by a hard stand car parking area and fences which disrupt ease of movement across the site. In many ways the elevation and interfaces between the heritage buildings and the car park spaces are treated as 'back of house' and lack a sense of civic and public amenity.</p> <p>In this regard, the proposal to retain and reimagine the quadrangle as an open landscaped space will benefit all of the heritage buildings. It will retain and enhance their context and visual setting and prominence within a new public space setting. Further, by introducing a series of shared zones and increasing landscape areas there will be a stronger pedestrian priority across the site and greater opportunity for passive open space use. This is befitting of the site's former historic playground use.</p> <p>The proposed adaptive reuse of the former Lismore High School C Block also ensure that the overall scale of this building remains compatible with the adjoining heritage items which largely satisfies the intent of the 'general streetscape design context' design guideline of Lismore DCP Chapter 12 Heritage Conservation.</p> |
| Roof Pitch and Form | Yes | The existing roof pitch of C Block when combined with the new southern foyer inverted roof pitch will result in a series of roofs which are generally complimentary to the heritage buildings despite not matching the 32 degree pitch preference in the DCP. The gable end of C Block will be retained and enhanced with a dynamic brick set out. |
| Windows and Doors | Yes | Many of the existing windows of the building will be infilled, particularly on the upper level) to maximise wall hanging space within gallery areas. However on the southern elevation facing the proposed courtyard and opposite the library building, generous door and window openings provide access into the proposed gallery and create a strong visual connection between inside and out. The scale, proportion and materials of these windows is considered to be compatible, whilst not replicating the adjoining heritage item buildings. |
| Building Materials and Colour | Yes | As an adaptive reuse proposition the existing building envelope including the red brick elevations will be retained. New additions including a fly awning roof over the buildings southern elevation will be a combination of steel and timber with a sheet metal roof. New and more significant additions to the northern elevation will be a combination of brick, and metal wall cladding |

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| | | <p>with metal sheet roof. The use of colour is sparing across the elevations with the existing red face brick, black window frames and the inherent colours and tones of metal sheet wall cladding, polycarbonate and plywood which features within the proposed material palette. The counterpointing the heavy masonry materials of the original building with 'lighter materials' of the newer building elements will reinvigorate the existing utilitarian form and finish of the former school building with renewed architectural and building material richness.</p> |
| Crime Prevention Through Environmental Design | | |
| Surveillance (i.e. site and design of buildings, subdivision design, landscaping and lighting) | Yes | <p>The siting of this building is predetermined as it is a reuse situation. It is set well back from all street frontages so casual observation from the street to all sides is difficult. It is surrounded by pedestrian areas and car parking so there is ample opportunity to avoid "drive by" observation. There is minimal residential development in the area so there will be few people around late at night. A large electricity substation and awkward fence line provide poor vision and a concealment location at the Keen Street access.</p> <p>Notwithstanding these negative aspects the design has clear entry points facing the Rural Street car park and the Magellan Street lawn quadrangle. Both these locations have good lighting and are not hidden in landscaping. Removal of a large camphor laurel at the Keen Street entrance will enhance surveillance from this angle. Police or emergency vehicles can access the quadrangle if they need to.</p> <p>Lighting is proposed for all sides including the entry points, all car parks and the quadrangle.</p> <p>A condition is required that CCTV surveillance cameras be installed at all entrances, the Keen Street site access and the loading dock consistent with NSW Police recommendations.</p> |
| Access Control and Target Hardening | | <p>The building has a north and south side entry point and a loading dock on the eastern side so building entry is well controlled. Materials are appropriate and footpaths are wide and well defined. Quality locks and alarms will be installed given the value of the art that will be stored on site. Roller shutters are not favoured at this stage as they will make the building look too harsh and unfriendly. This is inconsistent with its purpose.</p> <p>Site entry cannot be easily controlled given the need to allow pedestrian access through the quadrangle and the location of on site and off site public car parks.</p> |
| Territorial Reinforcement | | <p>The boundaries of the development are intended to meld into the curtilage of other buildings in the locality. It is not intended to restrict access to the public spaces around the art gallery and public art will be used to encourage the use of the area. A night security patrol is advisable in this location.</p> |
| Defensive Space | | <p>The site will transform from a neglected disused building into a well maintained and much loved art gallery. Graffiti will only be tolerated as part of public art. The general amenity of the location will transform as a result of this development.</p> |
| Tree Preservation Order | | |
| Tree Removal requiring Consent from Council | Yes | <p>Seventeen trees are proposed to be removed as part of the development of this site. Council's arborist has agreed that the loss is reasonable in the circumstances and offset by significant landscaping and tree planting.</p> |

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| | | The larger trees on the site will be retained. No trees of ecological significance will be removed. No effect on the water catchment is expected. |
| Waste Minimisation | | |
| Development and Construction Certificate Application | Yes | The DA includes a Waste Management Plan in accordance with the DCP. Its implementation will address this issue. |
| Public Art | | |
| Benefits, provisions and assessment of proposals | Yes | The DA indicates that public art will be incorporated into the proposed development. A condition requiring compliance with this chapter and Council's Public Art Policy will be applied to the consent. A suitable location for some of the public art would be the Western façade facing the Keen Street entrance. |
| Water Sensitive Design (Part A Chapter 22) | | |
| Major Development <ul style="list-style-type: none"> Development site area greater than 2,500 m²; and Impervious area greater than 300 m². | No | The site area is 9,331m ² . Although the increase in impermeable area of the building is less than 300m ² the sealing of Car Park B exceeds this area. Therefore this development is considered a "major development" for the purpose of this DCP and the proponent will be conditioned to abide by the requirements of the DCP. The proponent will be required to develop a site specific stormwater management plan (SMP) that comprehensively addresses maintenance requirements (including timetabling of maintenance), access to facility, longevity for all stormwater devices, and the performance monitoring of the installation and discharges. The SMP shall identify proposed underground drainage and over land flow paths, while demonstrating no impact on adjoining properties. |

DCP, Part A, Chapter 7 – Parking Assessment Comments

Parking Requirement for proposed Art Gallery and Library

The site is located in the Lismore CBD and therefore pursuant to clause 7.7.3.1 of this chapter, the parking rate for the proposed development is 3.3 spaces per 100m² of Gross Floor Area (GFA).

The proposed art gallery development has a total GFA of 1,206.1m², which is made up of the 973m² of the existing building and the proposed 233m² floor area from the proposed additions.

Applying the parking rate of 3.3 spaces per 100m² of GFA, the proposed art gallery requires 39.8 car spaces.

Clause 7.7.3.3 of this chapter states that "*a reduction in the fixed rate of 3.3 car spaces/100m² GFA may be applied where developments supply "shared" parking. This is parking provided in such a way that allows the public unrestricted use of the parking spaces on a development site regardless of whether they are attending the development on which the spaces are located. Where part or the whole of the parking required for a new development (apart from the residential uses listed above) is shared parking the minimum requirement for the component of parking that is shared will be reduced by 25%*".

All of the parking to be provided by the proposed development will be shared parking in that it will allow the public unrestricted use of the parking spaces regardless of whether they are attending the development or not, and therefore qualifies for the 25% reduction.

Applying a 25% reduction to the 39.8 spaces required for the proposed development, equates to 9.95 spaces and therefore reduces the parking requirement of the development to 29.85 spaces.

Pursuant to clause 7.7.3.4 the existing C Block building is considered to have provided parking to the CBD and therefore is also deemed to have a parking credit of 24.3 spaces. The credit is

calculated by applying a parking requirement of 2.5 spaces per 100m² of GFA to the GFA of the existing building, which is 973m²).

Therefore, subtracting the 24.3 space credits from the 29.85 spaces required for the art gallery, equates to a parking requirement of 5.5 spaces. This chapter, requires that car parking calculations are rounded up and therefore the total parking requirement for the proposed development is assessed to be 6 spaces.

In addition, the proposed new vehicular accesses and loading and unloading area of the development results in the loss of a total of 7 existing car spaces from Magellan Street (3 spaces), Rural Street (1 space) and the Fredericks Car Park (3 spaces).

In view of the above, when combining the 6 car spaces generated by the proposal development with the 7 existing car spaces lost by the proposal, the proposed development is assessed as requiring the provision of an additional 13 on-site car spaces.

Development Consent 2001/801 approved the use of the Lismore Public Library and required it to be provided with 40 car spaces. These 40 spaces are required to be retained on the site as part of the subject DA.

As detailed above, the proposed art gallery development (13 spaces) and the existing library (40 spaces) are required to provide a combined total of 53 on-site car spaces. The subject DA nominates a total of 78 on-site car spaces, which exceeds the 53 car spaces required by 25 spaces.

Parking Summary

Under Council's DCP controls for parking, the existing (library) and proposed development (art Gallery) on the subject site is required to provide 53 car spaces to meet the parking demand.

The existing and proposed development provides 78 on-site car spaces and the proposal is therefore deemed to comply with Council's DCP controls for on-site parking

Other Public Parking previously approved on the Site (DA2003/72)

In 2003, Council issued Development Consent (DA2003/72) for the construction of a temporary two (2) year car park for 36 vehicles. The consent was valid for a period of 2 years from the date of operation.

In justification for the temporary car park, DA2003/72 stated:

“The area, the subject of this development application, forms part of the “Art in the Heart” site. This precinct has been the subject of a previous Business Plan and a development of that plan will, in the near future, form a Master Plan for the area.

All of this forward planning is likely to take several years to come to fruition and in that time it was felt that the areas not used by the Lismore Library would continue to be maintained by Council’s Parks and Recreation section.

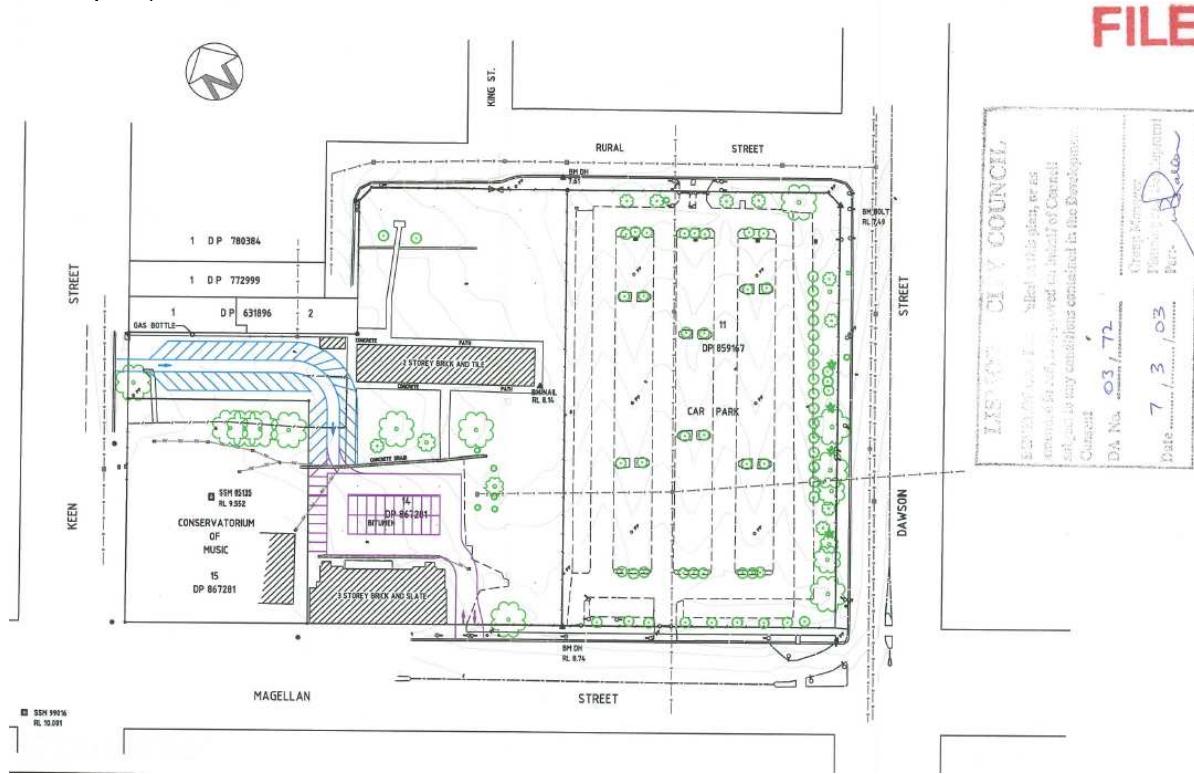
During the time spent developing the plans for the area there are opportunities for Council to make use of the site for temporary and compatible land uses. One such use that has been proposed is temporary car parking.

Council has recognised that it may be necessary to provide temporary compensatory car parking in the CBD to make up for any deficiency caused by the proposed Molesworth Street upgrade. The Keen Street frontage of the “Art in the Heart” site provides an exceptional opportunity to provide CBD parking and take advantage of the recent car park sealing undertaken as part of the recent library refurbishment”.

The 2 year period has long expired and as a result the consent has ceased. Notwithstanding this, the car spaces have continued to be used by the public.

In the circumstances, Council advised the applicant during pre-lodgement discussions for the art gallery that it would be desirable to ensure that 24 of the 36 car spaces from DA2003/72 be retained on-site as part of the subject DA.

The reason only 24 of the 36 spaces were required to be retained, was that the stamped approved plan for DA2003/72 illustrated 64 spaces, with 36 spaces in blue and 28 spaces in purple (see below plan).



The 36 blues spaces appeared to be for the temporary (2 year) parking and the 28 purple car spaces appeared to be for the library. Of the 64 spaces, only 24 have actually been sealed and line marked.

Given the prior approval for the library (in 2001) required 40 car spaces, it was considered more appropriate that 40 of the 64 spaces be attributed to the library and that the remaining 24 spaces were available to be utilised for the public.

As detailed above, the proposed development nominated 78 on-site car spaces, which exceeds the 53 car spaces required for the art gallery (13 spaces) and library (40 spaces) by 25 spaces. These 25 spaces satisfy Council's desire to see 24 of the temporary car spaces retained on the site as part of the subject DA and are considered to serve the public interest.

DCP, Part A, Chapter 9 – Signage

No details of signage were supplied in the original application. Upon clarification the applicant has indicated that other than directions signs the only signs proposed are *Building Identification Signs* on the east and west elevations. Each sign will be 4.5 m above ground, 9 m² in area and illuminated. No other details were supplied.

Although Council agrees the size and location of the signs appear appropriate there is insufficient information to properly assess the proposed signage against the DCP assessment criteria. It will

be a condition of approval that no signage be erected as part of this application. It can be subject to a future S.96 application or a separate application at some time in the future.

2. Lismore Cultural Precinct (Part B Chapter 3) Development Control Plan Compliance Table

| Lismore Cultural Precinct | Complies Yes/No | Comments |
|--|-----------------|--|
| Land Uses | Yes | This DCP anticipates that this locality would be used for an art gallery with potential ancillary uses. The proposed lawn quadrangle is located approximately as outlined in the DCP. |
| Pedestrian Circulation | Yes | The circulation principles in the DCP are that there be a major link east/west from Keen Street to Dawson Street. This has been achieved with inclusion of a dedicated path through the Keen street car park linking with the lawn quadrangle and then beyond to Fredericks car park. The DCP north south links are catered for with the access from Magellan Street near the library through the lawn quadrangle (and through the Art Gallery building) to the north side of the gallery and Rural Street. The site will also have pedestrian links to the Conservatorium. |
| Vehicular Circulation and Car Parking | Yes | The gallery will be accessed primarily from Rural Street where a landscaped car park is provided inclusive of disabled spaces. Heavy vehicles will access the gallery loading bay via the Fredericks car park. The application varies from the DCP in two main areas. 1. The Keen Street car park will be retained and remodelled and this retains an additional vehicle access point to the site. (The DCP anticipated it would be developed as a café). This inconsistency is justified in order to retain car parking on the site and retain pedestrian access from Keen Street. 2. The existing gravel parking areas near the library will not be dedicated as exclusive to the library (Car Park C). It would always have been difficult to make a car park exclusive for library patrons. Library patrons will have access to Car Park C and in due course Council will be remodelling the car parking on Magellan Street and this will also available to the library. |
| Design Principles <i>The design of new buildings is to be:</i> <ul style="list-style-type: none">• Sympathetic to existing heritage buildings• Contemporary• Responsive to Lismore's climate, context and culture• Used to form strong edges to open spaces and streetscapes <i>Elements may include:</i> <ul style="list-style-type: none">• Roof pitch – roofs are pitched at an angle of 32° and have gable ends.• Fenestration – windows provide a strong vertical element to the | Yes | <p>Designing within a heritage context often presents the dual challenge of being sympathetic whilst not seeking to replicate architecture of a bygone era. In fact best practice adaptive reuse design work often reframes and redefines the way in which we use and see these existing spaces by creating clear points of separation or departure; both physically and discursively. This proposal provides this distinction.</p> <p>The reuse of the existing C Block, rather than demolish and rebuild, prolongs the active and functional life of the building. Based on the submitted documentation, building performance will be enhanced by extensions along its north edge providing a thermal buffer reducing heat loads on the building which is an important consideration for this building type and a series of well-considered environmental strategies to reduce future operational costs.</p> <p>Whilst being sympathetic to the adjoining heritage buildings by way of enhancing the landscape context and utilising a sympathetic building material palette, the overall design will be distinctly contemporary. This is evident with the overall site planning with the use of a new fly roof to create an interstitial space to be used as an alfresco seating area, southern foyer and entrance. The new fly roof foyer which takes an inverted pitch tapering form visually and physically disconnects from the</p> |

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| <p><i>buildings with a proportion of 2:1 of vertical to horizontal dimensions.</i></p> <ul style="list-style-type: none"> <i>Materials – exterior walls contain red brickwork with narrow horizontal bands of darker brick running just below the window line on each level.</i> | <p>main building clearly delineating the old from the more expressive new roof form. Similar the existing roof plane in the north eastern corner is pulled down almost to ground level purposefully skewing and distorting the existing roof into a new contemporary form shrouding the extended service and loading area.</p> <p>Simple and legible site planning will result in a strong active edge to a newly appointed quadrangle landscaped area framed and enclosed by the adjoining heritage buildings which will provide a welcomed new addition of passive public open space to the Lismore CBD. A series of new galleries and spaces inside and out which will contribute to the development and fostering of Lismore's strong arts culture into the future.</p> <p>The proposed scheme does contain some highly visible timber elements including the timber (ply) soffit lining to the new foyer roof and new ceiling lining of the upper level gallery space which generally satisfies the intent of this design principle. As the scheme will largely retain the overall existing building form, red face brick, gable ends and roof pitch, it will also generally satisfy the intent to incorporate some elements of the existing heritage buildings on site. Whilst C-Block isn't of heritage value, its existing roof pitch when combined with the new southern foyer inverted roof pitch will result in a series of roofs which are generally complimentary to the heritage buildings despite not matching the 32 degree pitch. The gable end will be retained.</p> <p>In terms of fenestration, whilst a 2:1 vertical to horizontal window dimension has not been incorporated it is felt that the more finessed black window frames punctuating the heavy masonry elevations provides a strong architectural point of difference announcing the buildings gallery reuse. Replicating the heritage window configuration across this building would not be appropriate.</p> <p>It is considered that the proposed scheme satisfies the intent of the design principles within Chapter 3 of the Lismore Development Control Plan Part B - Lismore Culture Precinct.</p> | |
| Building Heights and Floor Areas | Yes | <p>The building height remains at 9.965 m, well below the permitted 20.5 m. The FSR will be 0.13:1 which is well below the permitted 3.25:1.</p> |
| Retention of Existing Features | Yes | <p>The C Block building will be retained and the other two heritage listed buildings in the group will be unaffected by the development. All significant trees on the site will be retained. Removal of one mature camphor laurel tree at the Keen Street entrance is justified by the opening up of the pedestrian access and replacement by a row of trees within the car park. The surface treatment of Car Park C will need to respect the mature fig tree that is located at its edge that is going to be retained.</p> |
| Landscaping | Yes | <p>The proposed landscaping of the site will enhance the visual attractiveness of the site and will provide shade and open space that will encourage people to use places like the lawn quadrangle. The Landscaping will reinforce the pedestrian spines running through the site and will define the access-way from Keen Street to the art gallery entrance. In this regard a condition will be imposed that the fencing proposed at the western edge of the gallery is confined to the substation and not used to block or restrict access around the building.</p> <p>Most trees used in the landscaping will be local rainforest species providing a continuation of the local rainforest theme</p> |

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| | | that has been developed in streetscape plantings in the CBD. The exception is the double row of crepe myrtles used in the Sculpture Garden in Car Park B. This exotic tree is a feature of this planting and is a reference to local garden culture. It is justifiable as a feature planting that will bring useful shade, colour when flowering in summer and interesting bark and trunk texture all year round. |
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Section 94 Contributions Plan

The proposed development will result in increased demand for public services and amenities, and therefore Section 94 Contributions are applicable.

The following Levies would therefore apply under Section 94 of the Environmental Planning and Assessment Act 1979 and amounts payable are set out below.

| Levy Area | Receipt No. | Additional GFA/m ² | Cost Per GFA/m ² or number of employee | Amount Payable |
|--|-------------|-------------------------------|---|--------------------|
| Community Services and Facilities | | | | |
| Commercial (Urban) | 721 | 233 | 1.50 | \$349.01 |
| Public Domain Facilities | | | | |
| Commercial (Urban) | 725 | 233 | 5.77 | \$1,344.34 |
| Urban Traffic Management Facilities | | | | |
| Residential (Urban) | 682 | 233 | 117.40 | \$27,354.91 |
| Stormwater | | | | |
| Commercial (Urban) | 733 | 233 | 0.90 | \$210.72 |
| Section 94 Plan Administration | | | | |
| Commercial (Urban) | 691 | 233 | 2.42 | \$563.10 |
| Total | | | | \$29,822.09 |

Relevant Council Policies

1.8.5 Undergrounding of Powerlines – CBD

Council Policy 1.8.5 – Undergrounding of Power Lines – Central Business District applies to this development and contains the following provisions:

With Development Applications for substantial re-development in the Central Business District there shall be a condition requiring the undergrounding of power lines in front of the new development at no cost to Council. The development consent shall indicate if any cost sharing with any other party may be negotiated.

The strict application of this policy to the proposed development presents some challenges. In this case the site has “frontage” to three streets with above ground power lines being Magellan Street (near Car Park C), Rural Street (near King Street intersection) and Keen Street (access to Car Park A). Undergrounding of all these powerlines would improve the visual appearance of the cultural precinct and should be undertaken, however, the following factors are also relevant to the specific circumstances.

- The “front of the new development” would appear to be Rural Street.
- There are two power poles with lines running to other sides of the road carriageway, so undergrounding of power on this site frontage is likely to incur additional costs.

- The undergrounding of power for the extent or frontage of this precinct, being a large area of mostly public land, should be considered holistically rather than a piecemeal manner in order to ensure value of investment from public funds.

Taking into consideration all of the above, it is concluded that the powerlines along the Rural Street frontage (not all of Rural Street) should be relocated underground as a condition of this development consistent with Council policy to underground powerlines at the **front** of each development.

Social Impact Assessment Guidelines

The gross floor area of the building is 1,206 m² which is well below the 5,000 m² trigger for a SIA. It is expected that the social effects of the gallery will be positive and the elimination of a disused building and derelict site in the middle of the CBD will also alleviate anti-social behaviour in this location.

5.2.10 Equity in Access and Provision of Facilities to Public Spaces

As a significant alteration to a public building this policy applies to the project. The art gallery has been designed to comply with the design standards provided in the Building Code of Australia and AS1428. The gallery will include accessible toilet facilities and baby change facilities. The two public entry points are accessible and a lift is available to the first floor.

5.17.7 Heritage

This development directly affects a listed heritage item. The treatment of this heritage item (the former Lismore High School buildings) is consistent with the policy aim “To conserve and protect local heritage”.

8.2.1 Public Art Policy

The Public Art Policy states: “*Where Council constructs a major building, urban streetscape or sporting facility of greater value than \$2,000,000 it will include in the development integrated public art to the value of at least 1% of the total project cost*”.

The proposed Council development is considered to qualify for the above contribution and in this regard, a condition requiring compliance is proposed. A suitable location for a component of the public art would be the Western façade facing the Keen Street entrance.

Design and Amenity

The building will favourably respond to Lismore’s climate by providing additional much needed shaded areas and building planning which provides a buffer to the north and north-west reducing heat loads on the building. This will be supplemented by a range of other environmental strategies including increasing the pervious surface across the site, solar harvest and reuse and recycling of materials.

In terms of context, the proposed adaptive reuse of the former school building will insert an active and vibrant new use within Councils designated cultural precinct. Located in the Lismore CBD, the development will lead to stronger site connections off Keen St to the west and Magellan Street to the south. Not having a direct street frontage enhances the experiential qualities of moving through these narrower landscaped connections where the open landscape quadrangle is revealed framed by the new gallery, heritage library and conservatorium buildings.

This project will contribute a new public space within the CBD context; one that is more enclosed and contained. Over time reducing the internal car parking and car access across the site will further heighten this experiential and pedestrian prioritised quality. It is noted that the revised site plan now demarcates the Keen Street (particularly) and Magellan Street access points with sculptural or illuminated markers and wayfinding. There is also opportunity for blank walls in the vicinity of the art gallery to become a canvas for the emerging Lismore street artists which could be encouraged through Lismore’s arts / place management program (subject to the owner’s approval).

Similarly the electrical substation in the Keen Street car park provides an opportunity for a mural or street art (subject to the electricity authority's agreement).

Accessibility

DCP Part A Chapter 2 outlines basic principles for achieving accessibility in urban design in the Lismore CBD. In relation to many aspects of accessibility the final details will be provided at the construction certificate stage. However a Preliminary Accessibility Report has been prepared and it indicates the following:

- Stairs and handrails within the building will be compliant with BCA and AS 1428.1-2009.
- Access ramps will be provided at the two main entry points.
- Vehicle access is not available at either entry point.
- Two disabled car spaces are provided in Car Park B 18 metres away from the northern entrance. These will be Australian Standards AS2890.6 compliant. This path is not covered.
- Path lighting will be AS 1680 compliant.
- All on site paths will be at grades of 1:20 or less and not less than 2.5 metres wide. A condition is required to ensure the path from the Keen Street car park meets the width requirement given the location of the substation and that fencing in this location does not inhibit vision or block the path.
- A lift is proposed to allow access to the first floor and it will be suitable for disabled persons including tactile buttons and braille characters.
- Internal stairs will comply with Council's dimensions and surface treatment.
- All doors and counters will be disabled accessible with appropriate visual indicators on glazing. All doors will be compliant with features such as D handles and low force opening. Signage will be BCA compliant including braille as appropriate.
- Hearing augmentation will be used in the building as required.
- Toilets will be disabled compliant and include a baby change table.

Roads Act Approvals

The proposal requires works within the public road reserve (a cross over from Magellan Street to the Conservatorium car park), and as such, a permit under the provisions of s.138 of the Roads Act must be obtained prior to those works being undertaken. This requirement is addressed in relevant conditions of consent.

Local Government Act Approvals

The proposal requires approval under the provisions of s.68 of the Local Government Act which must be obtained prior to those works being undertaken. This requirement is addressed in relevant conditions of consent.

All Likely Impacts of the Development

The key impacts of this development will be positive in terms of activation of a disused site in the CBD and economic boost provided by the construction project and then the ongoing functioning of the gallery. The end result will be a high quality regional art gallery based on the reuse of an old red brick school building that will generate positive socioeconomic outcomes for generations of Lismore and northern rivers residents.

The traffic and parking issues can be dealt with on site and the locality has the infrastructure and services to support the project. The heritage issues are dealt with sympathetically and the significant buildings nearby will benefit from the redeveloped public open space and facilities. No significant flora and fauna will be impacted by the development. No overshadowing or loss of privacy will result from the development.

Construction impacts including noise, dust and traffic will affect the site and surrounds for a short period, but these impacts are predicted to be acceptable. Sediment and erosion controls will protect the nearest waterways.

Flooding impacts will not be exacerbated by the development and a flood evacuation plan will ensure that human life is not put at risk. Materials used in the additions will be flood tolerant. Crime prevention will be improved by activating this site including during evening hours. Security cameras and lighting of all public areas and car parks will also assist.

| ENVIRONMENTAL APPRAISAL | CONSIDERED |
|---|-------------------|
| 1. Statutory Controls | Yes |
| 2. Policy Controls | Yes |
| 3. Design in relation to existing building and natural environment | Yes |
| 4. Landscaping/Open Space Provision | Yes |
| 5. Traffic generation and Carparking provision | Yes |
| 6. Loading and Servicing facilities | Yes |
| 7. Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.) | Yes |
| 8. Site Management Issues | Yes |
| 9. ESD Principles and Climate Change | Yes |
| 10. All relevant S79C considerations of Environmental Planning and Assessment (Amendment) Act 1979 | Yes |

ENVIRONMENTAL APPRAISAL

CONSIDERED

1. Statutory Controls
2. Policy Controls
3. Design in relation to existing building and natural environment
4. Landscaping/Open Space Provision
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Submitter's Concerns

The matters raised in submissions focussed on traffic and parking and have been addressed in the body of this report.

CONCLUSION

This development application seeks approval for alterations and additions to enable the conversion of an existing two storey ex school building known as C Block for the purposes of the Lismore Regional Gallery; office space for Arts Northern Rivers; combined event, function and workshop spaces; combined meeting rooms; commercial space for a bookshop and café and the outdoor quadrangle being a community gathering space connecting C Block with the Northern Rivers Conservatorium and the Lismore Library. The development also includes on site car parking a loading bay for the gallery and modification of the access to Northern Rivers Conservatorium parking.

The adaptive reuse of the former Lismore High School C Block as the Lismore Regional Art Gallery will not impact negatively on the heritage significance and value of C Block or the adjoining library and Conservatorium buildings. It will significantly prolong the functional life of the disused building. The redesigned building integrates a series of passive design measures and solar power generation which result in a regional gallery that is potentially an exemplar of environmentally sustainable development.

It satisfies the provisions of the Lismore LEP 2012 Clause 5.10 Heritage Conservation and provisions of Lismore DCP Chapter 12 Heritage Conservation. The development is also consistent (or justifiably inconsistent) with the Lismore DCP 2012 generally and Lismore Cultural Precinct (Part B Chapter 3) DCP.

Given the modest floor area, there is opportunity to consider how the building or surrounding site could potentially be expanded at a future point in time. This development application doesn't preclude expansion options.

The development is an excellent opportunity for this site and the wider community. The Lismore community has actively supported a new regional art gallery for many years and there is strong

public support for the project. The issues raised in public submissions have been dealt with adequately by explanation and conditions of approval.

It is recommended that the application be approved subject to appropriate conditions.

Attachments

Attachment 1 – Development Plans

Attachment 2 – Conditions of Consent

RECOMMENDATION

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
(AS AMENDED) THAT:

- A. The Joint Regional Planning Panel, as the consent authority, grant consent to Development Application No. 5.2016.111.1, subject to the following conditions annexed in **Attachment 2**.

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Mike Svikis

CONSULTANT PLANNER